

Approved: Courtney L. Heavey
COURTNEY L. HEAVEY
Assistant United States Attorney

Before: THE HONORABLE LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : COMPLAINT
- v. - : Violations of
: 18 U.S.C. §§ 2252A(a)(2)(B),
: 2252A(a)(5)(B), and 2.
:
FRED MASTROIANNI, : : COUNTY OF OFFENSE:
: Defendant. : WESTCHESTER
: :
----- x 20 MJ 8870

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANDREW KEARNS, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Receipt and Distribution of Child Pornography)

1. From in or about May 2020 to August 2020, in the Southern District of New York and elsewhere, FRED MASTROIANNI, the defendant, knowingly received and distributed material containing child pornography that had been mailed, and using means and facilities of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MASTROIANNI received images and videos of child pornography via the Internet in his residence in White Plains, New York.

(Title 18, United States Code, Sections 2252A(a)(2)(B).)

COUNT TWO

(Possession of Child Pornography)

2. In or about August 2020, in the Southern District of New York and elsewhere, FRED MASTROIANNI, the defendant,

knowingly possessed and accessed with intent to view, and attempted to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MASTROIANNI possessed, in his residence in White Plains, New York, images and videos of child pornography that he received via the Internet.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the FBI and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports, records, and video recordings. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my conversation with an undercover FBI agent with the FBI's Child Exploitation Task Force in Rochester, New York ("UC-1") and my review of a report prepared by a Task Force Officer with the FBI that is dated July 14, 2020, I have learned that:

a. The Rochester FBI Child Exploitation Task Force has been involved in an undercover operation investigating individuals involved in the distribution of child pornography on websites, including a specific peer-to-peer file sharing websites ("P2P Website").

b. The P2P Website is a peer-to-peer file sharing website that allows users to create profiles and view other users' profiles, chat with other users, create a private network of contacts, and share selected files with users in their private network. For example, using the P2P Website, a user ("User-1") can invite another user ("User-2") into their private network and User-1 can select the files or folders from User-1's hard drive, thumb drive, or other file storage device that User-1 wants to share with others in User-1's private network. Once User-2 joins User-1's private network, User-2 can then view and download the files or folders that User-1 shared, with the files or folders appearing in the exact structure and with the exact names as appear on User-1's hard drive, shared drive, or other file storage device. This process thus allows User-1 to share his/her files and folders without needing to upload the material onto the P2P Website.

c. On or about May 7, 2020, UC-1 logged into the P2P Website and engaged in an online chat with a user named "Itakepics," who became a member of UC-1's private network. "Itakepics" asked UC-1 if he/she had videos and pictures that UC-1 could share and "Itakepics" stated in sum and substance that he had a few hundred videos.

d. During the course of UC-1's online communication with "Itakepics," "Itakepics" provided the password to one of "Itakepics'" secured folders. UC-1 opened the shared folder and observed numerous videos with file titles indicative of child pornography, for example "14boy try to fuck dog," "boy suck man," "!10yo rent boy fucked by client on sofa," "13Y_15Y_Boys_With_A_Man," "Two 16yo boys fuck 13yo," and "Man Fucks Boys." UC-1 observed that the shared folder appeared to contain approximately 621 files and UC-1 downloaded approximately 30 of the files.

e. During UC-1's session with "Itakepics" on or about May 7, 2020, UC-1 used a program that allowed UC-1 to identify the IP address that "Itakepics" was using while communicating with and allowing UC-1 to access "Itakepics'" folder, which hereinafter is referred to as "the Target's IP Address."

f. UC-1 thereafter observed that the downloaded files from "Itakepics'" folder contained videos and images of adults and pre-pubescent minors engaged in penetrative sex, as well as pre-pubescent minors and animals engaged in sex.

5. Based on my training and experience and my review of

the files that UC-1 downloaded from "Itakepics" on or about May 7, 2020, I know that the files contain videos and images of pre-pubescent males engaged in anal sex with adult men, multiple minor boys engaged in anal and oral threesomes, adult males performing oral sex on pre-pubescent boys, and minor boys engaged in sexual acts with animals.

a. For example, in the video titled "!10yo rent boy fucked by client on sofa," which UC-1 downloaded from "Itakepics" on or about May 7, 2020, a pre-pubescent boy is seen on a couch with handcuffs attaching each of his wrists to each of his ankles. An adult male then applies what appears to be a lubricant to the minor's penis and the adult male masturbates the child's penis. The adult male then applies what appears to be lubricant to the minor's anus, lifts the minor so he is on his hands and knees, and uses a dildo sex-toy on the minor's anus, while the adult male masturbates. The adult male then places his penis into the minor's anus and proceeds to have sex with the minor.

6. Based on information from the internet service provider for the Target's IP Address, I know that the Target's IP Address returns to FRED MASTROIANNI, the defendant, at a residence in White Plains, New York (the "Mastroianni Residence").

7. Based on my conversation with an Undercover FBI Agent from Newark, New Jersey ("UC-2") and my review of a an FBI report dated August 11, 2020, I know that:

a. UC-2 has been involved in an undercover operation investigating users of the P2P Website who are involved in the possession and distribution of child pornography.

b. On or about August 7, 2020, UC-2 logged onto the P2P Website and chatted with the user "Itakepics," who was a member of UC-2's private network.

c. UC-2 observed that "Itakepics" was currently sharing a read only, password protected file called "vids." UC-2 sent a message to "Itakepics," requesting his/her password, which "Itakepics" provided. UC-2 thereafter told "Itakepics" in sum and substance that he/she was having difficulty accessing the "vids" folder and "Itakepics" shared a folder called "vids(2)," and gave UC-2 the password to that file. UC-2 observed that the "vids(2)" folder contained approximately 978 files, with a combined size of approximately 38.4 gigabytes, and with titles indicative of child

pornography, such as "12 year old boy sex"; "10yo_masturbate"; "3kids10_13yr_piss"; and "11 year old boy I met."

d. UC-2 downloaded numerous files from the folder that "Itakepics" shared and provided "Itakepics" with access to numerous fake files from UC-2 that were labeled with titles indicative of child pornography, such as "PEDO stevie blows daddy," and "7 yo fave ANINHO 7 YRS NOT IN MY ASS AGAIN DAD." "Itakepics" thereafter removed UC-2 from his/her private network after stating that the files UC-2 shared would not play.

e. During UC-2's session with "Itakepics" on or about August 7, 2020, UC-2 used a program that allowed UC-2 to identify the IP address that "Itakepics" was using while communicating with and allowing UC-2 to access "Itakepics'" folder. The IP address that UC-2 identified was the Target's IP Address - the same IP address that UC-1 identified on or about May 7, 2020.

8. Based on my review of images that UC-2 downloaded from the folders that "Itakepics'" shared on or about August 7, 2020, I know that the images contain child pornography. For example, the images include anal and oral sex between men and pre-pubescent boys, minors being anally penetrated with objects, and videos depicting a pre-pubescent girl and boy, purportedly brother and sister having sexual intercourse, with assistance from their purported mother.

a. For example, in the video titled "Mommy helps sister screw her brother," which UC-2 downloaded from "Itakepics" on or about August 7, 2020, an adult hand is seen helping a pre-pubescent boy's penis into the vagina of a pre-pubescent girl. An adult female voice then instructs the pre-pubescent girl to "now sit, scoot over and go," and the pre-pubescent girl begins to bounce and thrust on top of the pre-pubescent boy. The adult female continues to instruct the girl to "go as hard as you can," and asks "does it hurt," to which the girl replies "yes."

9. Based on information from the internet service provider for the Target IP Address, I know that FRED MASTROIANNI, the defendant, created an account with the internet service provider on or about August 4, 2017, wherein he identified the Mastroianni Residence as his address. In addition, on or about November 2, 2018, an account was created for the Target's IP Address and the subscriber was and continues to be FRED MASTROIANNI, the defendant, at the address of the

Mastroianni Residence.

10. Based on information from the P2P Website, I know that the "Itakepics" profile was created on the P2P Website approximately 7 years ago, and the profile claims that "Itakepics" has approximately 700 videos that he/she can share. Although there was no subscriber name for the "Itakepics" account, from on or about April 2020 to on or about August 2020, the "Itakepics" user has logged into the P2P Website using the Target's IP Address at least 75 times. In addition, on or about August 25, 2016, the "Itakepics" account used the email address (the "Email Address") to transmit a payment through Paypal for the P2P Website's services. Based on information from the internet service provider for the Target's IP Address, I know that the account created on or about August 2017, with subscriber FRED MASTROIANNI, the defendant, also listed the Email Address as the email address for the account. In addition, the Email Address includes reference to "Frederickdecor.com," and the website Frederickdecor.com contains a photograph of a man identified as "Fred Mastroianni." In addition, based on information from the P2P Website, I know that since approximately 2015, the "Itakepics" user account has been a member of numerous tribes, which are groups that users with similar interests can join, including tribes called: "boys4more"; "rapeincest"; "youngisfun"; "fathersongayincest"; "boyznstuff"; "animalsex"; and "boyzzz." In addition, "Itakepics" has listed contacts, which are other P2P Website users that have accepted an invitation to allow messaging and sharing with "Itakepics," with accounts called "Boys4men," "boybreeder," "boyzluver," "teenboys," "kinkypervs," and "scoutmasteryoung."

11. On or about August 12, 2020, I reviewed the results from a public records search for FRED MASTROIANNI, the defendant, specifically records from the CLEAR database,¹ which supported that MASTROIANNI has identified the Mastroianni Residence as his residence since on or about October 2018. Specifically, based on records from the CLEAR database, I know that Experian has reported information based on its credit reporting records that MASTROIANNI has been at the Mastroianni Residence from on or about October 2018 through at least on or about July 2020.

¹ CLEAR is an open-source database that collects information regarding individuals, including mailing addresses for individuals, based on records from utility companies, including information from cable, cellphone, and car companies, as well as mortgage records.

12. On or about August 18, 2020, the Honorable Lisa Margaret Smith, United States Magistrate Judge, Southern District of New York issued a search warrant authorizing law enforcement agents to search the Mastroianni Residence and seize computers, other electronic devices, and evidence related to the distribution, receipt, and possession of child pornography by FRED MASTROIANNI, the defendant.

13. On or about August 20, 2020, I and other law enforcement officers executed the above-referenced search warrant of the MASTROIANNI Residence (the "Search"). Upon entering the Mastroianni Residence:

a. I was able to identify the individual who answered the door as FRED MASTROIANNI, the defendant, as he responded to "Fred," and appeared to be the same individual as the photograph from the RAP sheet of FRED MASTROIANNI.

b. FRED MASTROIANNI, the defendant, was the only person in the Mastroianni Residence.

c. Inside the Mastroianni Residence, I observed an iMac computer that was powered on and had a USB device connected to it (the "USB Device"). I observed that the P2P Website was an application that had been downloaded on the iMac computer and when accessing that application, I observed that the username "Itakepics" and password were pre-populated and saved on the iMac Computer.

14. During the course of the Search, FRED MASTROIANNI, the defendant, agreed to speak with law enforcement agents. During the interview, FRED MASTROIANNI, the defendant, stated, in substance and in part, the following:

a. He was the sole resident of the Mastroianni Residence.

b. He created an account with username "Itakepics" on the P2P Website approximately 7 years ago, and has maintained and used that account since that time, with his last log-in being as recently as August 2020.

c. He identified his internet service provider as the same company that is the provider for the Target's IP Address.

d. The computers, hard drives and the USB Device found in the Mastroianni Residence belonged to him.

e. He has used the USB Device to store files that he downloaded from users on the P2P Website and to share files with other users through the P2P Website. He used the P2P Website to try to obtain photographs and videos of 17 and 18 year old males masturbating. During the course of his efforts to obtain these desired materials, he has downloaded videos involving children, did not delete them and shared them with others. According to Mastroianni, he did so because users with a high volume of videos and rates of sharing are more likely to obtain content from other users, and thus doing so made it easier for him to obtain the types of videos in which he was interested.

15. Based on my review of some of the materials on the USB Device, I know that:

a. The USB Device appears to have approximately 39.6 gigabytes of data, containing approximately 28 photographs and 951 videos. The approximately 951 videos were further organized by sub-folders, including "Fuck," with approximately 74 videos; "Suck," with approximately 38 videos, and "Solo," with approximately 475 videos.

b. Based on my review of some of the file names for the videos on the USB Device, I know that many of the file names are consistent with child pornography. For example, the "Friends," subfolder contained a file named "Pedo Crimea p101-USA 14yo fuck 11yo Boy (11m55s)_chunk 2"; the "Fuck" folder contained a file named "10yo rent boy fucked by client on sofa," and the "Pics" folder contained a file named "12yo Chatroullete Texan Boy Fucks His Dog(beastility) (TB-A BA)."

c. In addition, based on my review of a sample of the videos on the USB Device, I know that the videos on the USB Device include child pornography. For example:

i. One of the videos in the "Suck" folder, titled "!! 2011 (MB) Boy O'Reilly 8yo hottest BJ! P9080031 (1'30)," was approximately 1 minute and 25 seconds long and contained a prepubescent boy on his knees and performing oral sex on an adult male erect penis.

ii. A video in the "Fuck" folder titled "10yo

rent boy fucked by client on sofa," is the same video that "Itakepics," shared with UC-1 on or about May 7, 2020, and is described above in paragraph 5(a).

iii. A video in the "Yo" folder titled "Mommy helps sister screw her brother" is the same video that "Itakepics" shared with UC-2 on or about August 7, 2020 and is described above in paragraph 8(a).

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of FRED MASTROIANNI, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

/s/ Andrew Kearns, #27103, signature electronically placed by USMJ Lisa Margaret Smith, with permission from the witness

ANDREW KEARNS
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this
Affidavit by reliable electronic means, pursuant to
Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this
20th day of August, 2020

specifically by FaceTime



THE HONORABLE LISA MARGARET SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK